

# **NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

D-4108

I hereby certify that this correspondence is being filed via EFS-Web with the  
United States Patent and Trademark Office

On September 17, 2008

TOWNSEND and TOWNSEND and CREW LLP

By: 

Lisa McDill

In re Application of **J. Christopher Marmo**

Application Number **10/661,400**

Filed **09/12/2003**

For **INSERTING LENSES INTO CORNEAL  
EPITHELIAL POCKETS TO IMPROVE VISION**

Art Unit **3774**

Examiner **Paul B. Prebilic**

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 510

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced  
by half, and the resulting fee is:

\$ 255

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment  
to Deposit Account No. 20-1430.

☒ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not  
be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.

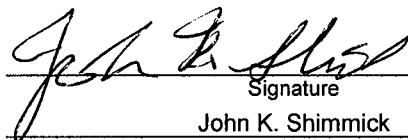
☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record.

Registration number 44,335

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

  
Signature

**John K. Shimmick**  
Typed or printed name

**650-326-2400**  
Telephone number

**09/17/2008**  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.